

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Cornelius Richard Richmond,
#B-1180819353, a/k/a Cornelius R.
Richmond,

Plaintiff,

vs.

Mrs. Dianne Pieterse, Detective, Myrtle
Beach Police Department; Mr. Freddy
Sanchez; Mr. Lazaro Perez; Mrs. Elizabeth
Sanchez; Mr. Emiliano Vega; Mr. Matilde
Cruz,

Defendants.

ORDER

Plaintiff Cornelius Richmond is a pretrial detainee currently housed at the J. Reuben Long Detention Center in Conway, South Carolina. On September 17, 2008, Plaintiff, appearing pro se, filed a complaint alleging violation of his Fourth Amendment rights. Plaintiff also asserts that Defendants have slandered his name by falsely accusing him of committing a crime. Plaintiff brings his complaint pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to 28 U.S.C. §§ 1915 and 1915A and the Prison Litigation Reform Act. On September 23, 2008, the Magistrate Judge issued a Report and Recommendation in which she recommended that the complaint be summarily dismissed without prejudice as to Defendants Freddy Sanchez, Lazaro Perez, Elizabeth Sanchez, Emiliano Vega, and Matilde Cruz because (1) these Defendants are not state actors for purposes of § 1983; (2) these Defendants are

entitled to immunity under § 1983 as witnesses in a judicial proceeding. The Magistrate Judge recommended that these Defendants be dismissed without prejudice to Plaintiff's bringing a state law tort claim for slander, if appropriate, in state court.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. The case is dismissed as to Defendants Freddy Sanchez, Lazaro Perez, Elizabeth Sanchez, Emiliano Vega, and Matilde Cruz without prejudice and without issuance and service of process. The within action is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

October 16, 2008